



United States
Department of
Agriculture

Forest
Service

Region One

200 East Broadway
P.O. Box 7669
Missoula, MT 59807

File 1570-1 (215)
Code:
Route
To:

Date: June 18, 2010

Subject: 1570 (215) A&L - ARO Letter - Bozeman Municipal Watershed ROD - Gallatin NF - Alliance for the Wild Rockies et al. #10-01-00-0052, and Native Ecosystems Council & AWR #10-01-00-0053

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeals filed by Michael Garrity, on behalf of Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Native Ecosystems Council; and Sara Jane Johnson, on behalf of Native Ecosystems Council and Alliance for the Wild Rockies, protesting the Bozeman Municipal Watershed Record of Decision (ROD), signed by Forest Supervisor Mary Erickson, Gallatin National Forest.

The Forest Supervisor's decision adopts Alternative 6, which includes partial harvest on 2,045 acres, mechanical cutting and piling of young trees on 1,117 acres, prescribed burning without harvest on 1,575 acres, 7.1 miles of temporary road construction, and reopening of 1.7 miles of old roads.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed. I have considered all the issues raised in the appeal.

The appellants allege violations of the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, the Administrative Procedures Act, the Multiple Use Sustain Yield Act, the Forest and Rangeland Renewable Resources Planning Act, the Clean Water Act, and the Gallatin Forest Plan. The appellants request the Bozeman Municipal Watershed Project ROD and Final Environmental Impact Statement be withdrawn, or the decision be fully remanded. They further request that if the Gallatin National Forest wishes to carry out management activities in the Bozeman Municipal Watershed project area, the Forest must prepare an Environmental Impact Statement that remedies all the violations of Federal and State laws, policies, and regulations identified in the appeals. The Forest Supervisor held an informal meeting with the appellants. However, no resolution of the issues was reached.



RECOMMENDATION

I have reviewed the record for each of the contentions in the appeals. I have found it is not clear how the analysis is consistent with the Regional Soil Quality Standards (FSM 2500-99-1) concerning detrimental soil disturbance, which is an issue raised by one of the appellants. I recommend the Forest Supervisor's decision be reversed.

/s/ Kevin T. Riordan
KEVIN T. RIORDAN
Appeal Reviewing Officer

cc: Mary C Erickson
Steve Christiansen
Ray G Smith



File Code: 1570-1 (215)
#10-01-00-0053

Date: June 22, 2010

Sara Jane Johnson
Native Ecosystems Council
P.O. Box 2171
Willow Creek, MT 59760

Dear Ms. Johnson:

This is my decision on disposition of the appeal you filed on behalf of the Native Ecosystems Council and Alliance for the Wild Rockies, regarding the Bozeman Municipal Watershed Record of Decision (ROD) on the Gallatin National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have reviewed the appeal record, including your arguments, the information referenced in the Forest Supervisor's June 3, 2010, transmittal letter, and the Appeal Reviewing Officer's recommendation (copy enclosed). The transmittal letter provides the specific page references to discussions in the ROD and project file, which bear upon your objections. I specifically incorporate into this decision the appeal record, the references and citations contained in the transmittal letter, and the Appeal Reviewing Officer's recommendation.

The Appeal Reviewing Officer has considered the arguments in both of the appeals of this project, the appeal record, and the transmittal letter and recommends the Forest Supervisor's decision be reversed based on an issue in the other appeal.

I agree with the Appeal Reviewing Officer's conclusions concerning the Regional Soils Quality Standards. Based upon a review of the references and citations provided by the Forest Supervisor, I find it is not clear how the analysis is consistent with the Regional Soil Quality Standards (FSM 2500-99-1) concerning detrimental soil disturbance. After careful consideration of the above factor, I reverse the Forest Supervisor's decision to implement the Bozeman Municipal Watershed project. The requested relief to remand the project back to the Forest is granted.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Jane L. Cottrell
JANE L. COTTRELL
Deputy Regional Forester



cc: Mary C Erickson
Kevin Riordan
Steve Christiansen
Ray G Smith